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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA (DMR)

**[PROPOSED] ORDER RE: MOTION TO
COMPEL [DKT. 1404]**

Dept. Courtroom 4 (Oakland)
Judge: Hon. Donna M. Ryu

1 Pursuant to the Court's Order of December 30, 2015 (Dkt. 1410), on January 14, 2016,
2 the parties appeared before the Court, Magistrate Judge Donna M. Ryu presiding, for a hearing
3 on Oracle's Motion to Compel Production of Google Search Distribution Agreements and
4 Further Rule 30(6)(b) Deposition (Dkt. 1404) ("Oracle's Motion").

5 The Court, having read and considered the papers submitted and having heard the parties
6 thereon, and for good cause appearing, hereby **ORDERS** the following:

7 1. On or before January 27, 2016, Google will produce charts specifying the
8 following data for each provider of a non-Android mobile operating system with whom Google
9 has or previously had a search distribution agreement for Google search services offered in
10 connection with such non-Android mobile operating system, where such agreement also
11 provided for a sharing of revenue. The chart for each such provider shall contain the yearly data
12 for the following (as well as any additional matters ordered in paragraphs 2-4):

13 (a) the total gross revenue Google earned under the relevant agreement;

14 (b) the percentage of search revenue Google shares with the provider pursuant to the
15 relevant agreement; and

16 (c) a list of all Google services and applications covered under the relevant agreement.

17 2. Oracle's request that each chart contain the estimated number of devices covered
18 by each agreement is [GRANTED/DENIED].

19 3. Oracle's request that each chart contain the total sum of other payments (if any)
20 made by Google pursuant to each agreement is [GRANTED/DENIED].

21 4. The range of data disclosed by Google [SHALL/SHALL NOT] be limited to the
22 years 2002 through 2012.

23 5. In the event of any further dispute regarding the charts, the parties shall promptly
24 meet and confer and submit a joint letter brief of no more than 3 pages by February 8, 2016.

25 6. Google is not required to identify the providers associated with the search
26 distribution agreements, and instead may name them by a pseudonym such as "Mobile Platform
27 Provider A." If Google does not identify the platform providers associated with the agreements,
28 Google shall not be permitted to exploit in any respect the non-production of the identity of any

1 unidentified provider. In particular, though without limitation, Google shall not argue that any
2 data referenced in the charts is more or less relevant to fair use or monetary remedies as a result
3 of the lack of identity of the provider.

4 **IT IS SO ORDERED.**

5
6 Dated:

7 By: HON. DONNA M. RYU
8 UNITED STATES MAGISTRATE JUDGE

9
10 Approved as to form:

11 Dated: January 20, 2016

KEKER & VAN NEST LLP

12 By: /s/ Robert A. Van Nest
13 ROBERT A. VAN NEST

14 Attorneys for GOOGLE, INC.

15
16 Dated: January 20, 2016

ORRICK, HERRINGTON & SUTCLIFFE
LLP

17 By: /s/ Annette L. Hurst
18 ANNETTE L. HURST

19 Attorneys for ORACLE AMERICA, INC.